52. **(Reiterated)** The chimeric polypeptide of claim 51, wherein the cysteine loop is selected from Cys53-Cys62, Cys75-Cys91, Cys90-Cys101, Cys245-Cys253, Cys266-Cys279, Cys360-Cys369, Cys461-Cys477, Cys476-Cys487, and Cys558-Cys567.

The claims presented above incorporate changes as indicated by the marked-up versions below.

1. **(Amended)** A chimeric polypeptide comprising a serum albumin protein (SA) having a biologically active heterologous peptide sequence inserted therein, wherein the chimeric peptide exhibits increased biological activity relative to the heterologous peptide sequence itself.

2. **(Amended)** A chimeric polypeptide having the structure A-B-C, wherein:

A represents a first fragment of serum albumin (SA);

B represents a biologically active heterologous peptide sequence; and

C represents a second peptide fragment of SA;

wherein the chimeric peptide exhibits increased biological activity relative to the heterologous peptide sequence itself.

3. **(Amended)** A chimeric polypeptide comprising:

a first peptide fragment, comprising an N-terminal fragment of serum albumin (SA) protein;

a second peptide fragment, comprising a biologically active heterologous peptide sequence, and

a third peptide fragment, comprising a C-terminal fragment of SA;

wherein the chimeric peptide exhibits increased biological activity relative to the heterologous peptide sequence itself.

In reply to the outstanding Restriction Requirement, mailed November 16, 2001, in connection with the above application, Applicants hereby elect Group I with traverse, based on

the reasons which follow. The time period for response has been extended to January 16, 2001, by the accompanying petition for a one-month extension of time.

Applicants have amended claims 1-3. Applicants have also canceled claim 53 without prejudice as being redundant over claims 50 and 52. Applicants submit that support for the subject matter of the amended claims 1-3 can be found throughout the specification, see, for example, page 41, first paragraph.

Applicants note that the Office Action has mistakenly stated in "Office Action Summary" that claims 1-48 are pending in the application, while claims 1-52 should be pending in the instant application.

Applicants also submit that the Office Action has mistakenly referred to "Group VI" as "Group IV" in a number of occasions (see page 3, lines 1, 6, 7, and 10). Therefore, Applicants assume that the Office Action means to use "Group VI" instead of "Group IV" in those cases.

Applicants further note that claim 48 is not included in any of the 6 groups, and claim 47 is included in both Group III and IV. While it is possible that claim 47 may be considered by the Examiner as a linking claim, Applicants assume that the second occurrence of claim 47 in Group IV is meant to be claim 48 since claim 48 recites an *in vivo* treatment method which falls into Group IV.

The Office Action states that "The products of Groups I-II and [VI] are drawn to structurally and functionally different molecules with different immunological properties, each invention requires different reagents and steps to make and characterize it." Applicants respectfully disagree.

Pursuant to MPEP 803, "there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent ... or distinct as claimed...; and (B) There must be a serious burden on the examiner if restriction is required..."

All these groups of claims are directed to serum albumin (SA) related chimeric proteins and nucleic acid encoding these proteins, and thus, they are related (not independent). In fact,

Groups I and VI are closely related as is evident from the fact that they all belong to the same class (530) and subclass (363). When distinct inventions are shown to be capable of being classified together, the Examiner must show by appropriate explanation either a) "a separate status in the art when they are classified together," or b) "a different field of search is required" to insist upon restriction. "Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions." (MPEP 808.02).

Applicants submit that neither "different immunological property" nor "different reagents to make and characterize it" constitutes evidence of separate status in the art or different field of search. In addition, all these chimeric proteins or polypeptides can be made by the same routine molecular biology procedure, e.g., PCR, subcloning into expression vector, expression in host cells, and purification. In fact, a search related to Group I necessarily encompasses the subject matter of Groups VI. Thus, the Office Action fails to establish reasons for insisting upon restriction between Groups I and VI. Reconsideration and withdrawal of the restriction requirement between Groups I and VI are respectfully requested.

Similarly, Groups III - V combined have only 6 claims directed to use of products claimed in Groups I, II, and VI. Applicants submit that there is no serious burden on the Examiner to search these Groups and therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Office Action also requires Applicants to elect a species of receptor protein if Group I is elected. Applicants hereby elect with traverse and for search purposes only Species B, relating to a tyrosine kinase receptor. The traverse is based on the ground that a simultaneous search of all claimed receptors will not impose a serious burden on the Examiner.

In addition, Applicants note that restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim (MPEP 809).

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and

request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945.**

Respectfully Submitted,

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